

# The Alabama Jury Verdict Reporter

The Most Current and Complete Summary of Alabama Jury Verdicts

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Statewide Jury Verdict Coverage - Published Monthly

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*Alabama's Jury Verdict Reporter Since 2001*

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## Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

**Abuse of Process - A woman was falsely accused of shoplifting \$48.09 worth of groceries at a Wal-Mart; the criminal case against her was later dropped due to "want of prosecution," but she continued to receive letters threatening a civil lawsuit unless she paid a \$200 "settlement fee"**

*Nurse v. Wal-Mart, et al.*, 18-900819  
Plaintiff: Vincent F. Kilborn, III, *Vincent F. Kilborn Law Firm*, Montrose  
Defense: W. Pemble DeLashmet, Chad C. Marchand, and Keith B. Franklin, *DeLashmet & Marchand, P.C.*, Mobile; and Ed Bowron, *Ed Bowron Law, LLC.*, Mobile  
Verdict: \$2,125,000 for plaintiff (comprised of \$1.00 compensatory damages and \$2,124,999 punitive damages) on abuse of process count; defense verdict on false arrest, false imprisonment, malicious prosecution, and slander counts  
Circuit: **Mobile**, 11-29-21  
Judge: James T. Patterson

In 2016, Lesleigh Nurse and her husband, Edward Nurse, were the operators of a carpet cleaning business in the town of Semmes. On 11-27-16, the Nurses and their two children went to the Wal-Mart store located at 7855 Moffett Road in Semmes to do some grocery shopping.

The Nurses shopped for approximately forty-five minutes before moving toward the checkout lines to pay for their selections. Given that the checkout lines were crowded with other shoppers that day, a Wal-Mart employee suggested the Nurses use one of the self-checkout kiosks.

The Nurses agreed to this suggestion and moved to one of the

available kiosks. Edward and Lesleigh then set up a kind of assembly line process with Edward unloading items from their cart and handing them to Lesleigh to scan and bag.

According to Lesleigh, the scanner repeatedly malfunctioned and would not scan. On each such occasion Lesleigh waited for a Wal-Mart employee who was monitoring the lane to come and reset the machine so Lesleigh could continue scanning.

When the scanning process was finally finished, Edward used his debit card to pay for the purchases. He then collected the receipt, and the Nurse family proceeded toward the store exit. Before they could leave, however, a Wal-Mart Asset Protection Associate named William Miller blocked their path.

Miller explained that there was a problem as he took control of the cart and directed the Nurses to come with him to the store's asset protection office. Once at the office, Miller directed Edward and the children to wait outside while he took Lesleigh and the shopping bags into the office.

Lesleigh was now alone in the office with Miller and a female Wal-Mart employee. Miller accused Lesleigh of shoplifting and demanded to see her sales receipt. Lesleigh complied with this demand as Miller stated that he had observed Lesleigh deliberately conceal groceries that she had intentionally not scanned.

The female employee then began pulling items from the shopping bags. There were eleven items in all (including a loaf of bread, a rotisserie

attempting to checkout using the malfunctioning kiosk. Based on that fact, the court issued a spoliation instruction to the jury that they were to assume the video evidence would have been in Lesleigh's favor. Wal-Mart was furthermore forbidden to present any evidence contrary to that instruction.

The case was tried for a total of nine days in Mobile. On the eighth day, the court noted that one of the jurors was not feeling well. As a precaution in case the illness was due to a viral infection, the court suspended the proceedings during the Thanksgiving holiday.

The jury returned on the ninth day for deliberations and returned a mixed verdict. First, the jury found for defendants on the counts for false arrest, false imprisonment, malicious prosecution, and slander. However, the jury found for Lesleigh, and solely against Wal-Mart, on the count for abuse of process.

On that count, the jury awarded Lesleigh compensatory damages of \$1.00. The jury then went on to award her punitive damages of \$2,124,999. That brought her total award to an even \$2,125,000. The court entered a judgment that reflected the verdict. At the time of this report, no post-trial motions had been filed.

**Case Documents:**

[Defense Summary Judgment](#)

[Motion](#)

[Jury Verdict](#)

[Final Judgment](#)

**Auto Negligence - The plaintiff was rear-ended at high speed on I-65 north of Montgomery, and her car flipped three times before ending upside down – the plaintiff has since treated for a cervical disc injury – a federal jury in Montgomery awarded the plaintiff \$700,000 in general damages**

*Stallings v. Melvin*, 2:20-780

Plaintiff: Michael J. Crow, *Beasley*

*Allen*, Montgomery and W. Kent

Winningham and William E.

Winningham, *Wilson Kehoe*

*Winningham*, Indianapolis, IN

Defense: R. Brett Garrett and Jay R.

Douglass, *Rushton Stakely Johnston &*

*Garrett*, Montgomery

Verdict: \$700,000 for plaintiff

Federal: **Montgomery**, 12-8-21

Judge: Myron H. Thompson

Marijo Stallings of Indianapolis traveled through Alabama on the afternoon of 10-19-18. She proceeded on I-65 near Prattville (MM 194) in rural Autauga County. There was proof Stallings was in a line of traffic moving at the speed limit of 70 mph or so.

Suddenly the line of traffic slowed to nearly a stop. There was no apparent reason for the slowdown. Stallings appreciated this was happening, hit her brakes, and turned on her hazard lights. She could see behind her in traffic that Dillon Melvin wasn't slowing down.

Melvin, also in the line of traffic and traveling at 70 mph, didn't slow down. He was either looking at the radio (that's what he told the state trooper at the scene) or he was reaching for a piece of gum as he described in his deposition. In any event he was not paying attention.

Melvin rear-ended the Stallings vehicle – it was a hard hit and her vehicle left the roadway. Stallings's vehicle flipped three times before coming to rest upside down. Stallings was extracted from the car

and taken to an emergency room in Montgomery. Although she was shaken and bruised, she suffered no fractures. Stallings was treated and released and headed home to Indianapolis.

Three weeks later Stallings began a course of care in Indianapolis for radiating neck pain. An MRI revealed a C3-4 disc compression. Two months after the wreck, in December of 2018, an orthopedist in Indianapolis, Dr. Gabriel Jackson, performed a cervical fusion. There was proof that Stallings has a risk of spinal instability, and she may require an additional surgery. Stallings also reports anxiety, nightmares, and fear while driving on the interstate.

In this diversity lawsuit Stallings sought damages from Melvin. Melvin replied on liability that he was traveling safely (within the speed limit) when he faced the sudden emergency of unexpectedly stopped traffic. It was his argument that he acted reasonably, and the crash was unavoidable.

The defense also contested damages and noted the three-week gap between the crash and when Stallings sought treatment back in Indiana. The defense also noted that in 2015 Stallings was already treating for chronic degenerative conditions – the suggestion was that the cervical injury she linked to this crash was actually just an extension of this pre-existing condition.

The court's instructions asked if Stallings should recover on her negligence claim. The jury answered yes. Then on the issue of damages Stallings took a general award of \$700,000. A consistent judgment was entered by the court.

**Case Documents:**

[Plaintiff Trial Brief](#)

[Defense Trial Brief](#)

[Jury Verdict](#)